

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11CV414-MU

WILLIAM ARTHUR BROWN,)
)
 Plaintiff,)
)
 v.)
)
 SYDNEY JEROME LACKEY, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER comes before the Court on initial review of Plaintiff's pro se Complaint filed on August 29, 2011, pursuant to 42 U.S.C. § 1983 (Doc. No. 1).

The Prisoner Litigation Reform Act ("PLRA") makes clear that "[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). This subsection is known as the "three strikes" provision of the PLRA.

Court records indicate that Plaintiff has filed at least three lawsuits, while incarcerated, in this Court¹ that were dismissed as frivolous, malicious, or because the Complaint failed to state a

¹ See Brown v. Lee, 3:95cv132, Doc. No. 3 (accepting magistrate judge's recommendation (Doc. No. 2) dismissing Complaint for lack of jurisdiction and for failure to state a claim upon which relief may be granted. Such Order expressly noted that § 1983 does not confer jurisdiction over Plaintiff's claim regarding a disagreement with this attorney as defense attorneys, whether privately retained or publically appointed, are simply not amenable to suit under § 1983.); Brown v. The Local City et al., 3:97cv248, Doc. No. 2 (dismissed for failure to

claim upon which relief may be granted. Further, Plaintiff has not demonstrated that he is under imminent danger of serious physical injury; therefore, his Complaint must be dismissed without prejudice.

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff's Complaint is dismissed pursuant to 29 U.S.C. § 1915(g);
- (2) The Clerk is directed to send a copy of this Order to the pro se Plaintiff.

SO ORDERED.

Signed: September 9, 2011



Graham C. Mullen
United States District Judge



state a claim upon which relief can be granted); Brown v. Rawls et al., 3:00cv546, Doc. No. 16 (dismissed pursuant to 28 U.S.C. § 1915(e)(2) for being frivolous or malicious or for failing to state a claim upon which relief may be granted). See also, Brown v. Lee, 3:96cv295, Doc. No. 4 (dismissed for lack of jurisdiction).